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**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

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PrimeCo Personal Communications, L.P.)
)
Petition for Emergency and Expedited)
Relief to Protect from Disclosure in)
its Entirety for a Period of Not Less)
Than Five Years Petitioner's 1998)
Annual Report)

Docket No. 00-0274

CHIEF CLERK'S OFFICE

**MOTION TO WITHDRAW
PETITION FOR EMERGENCY AND EXPEDITED RELIEF**

PrimeCo Personal Communications, L.P. ("PrimeCo"), by and through its attorneys, Piper Marbury Rudnick & Wolfe, hereby submits its Motion to Withdraw ("Motion") the Petition For Emergency and Expedited Relief ("Petition") that was filed with the Illinois Commerce Commission ("Commission") on April 6, 2000. In support of said Motion, PrimeCo states as follows:

1. As a telecommunications carrier subject to the jurisdiction of the Commission, PrimeCo is required to file with the Commission an annual report. On or about March 31, 1999, PrimeCo filed its required annual report with the Chief Clerk of the Commission.

2. On April 6, 2000, PrimeCo submitted the aforementioned Petition due to the annual report containing commerce and financial information that is highly sensitive, proprietary, confidential and the type of information which would be of particular interest to PrimeCo's competitors and potential competitors.

3. However, it has come to PrimeCo's attention that the Commission previously has requested the relief sought in PrimeCo's Petition.

4. On April 22, 1998, the Commission entered an Order in Docket No. 98-0241 concluding that the Annual Reports filed by PrimeCo for the years 1998 through 2001 shall be

afforded proprietary treatment and shall be exempt from public disclosure and accessible only by the Commission and Commission Staff for a period of five (5) years from the date of filing of each such request. A copy of the Commission's Order in Docket No. 98-0241 is attached hereto and made a part hereof.

5. As a result, Commission action regarding the relief requested in PrimeCo's Petition is no longer necessary.

WHEREFORE, PrimeCo Personal Communications, L.P., respectfully requests that the Commission Grant the instant Motion and enter an Order dismissing the proceeding.

Respectfully submitted,

**PRIMECO PERSONAL COMMUNICATIONS,
L.P.**

By: David I. Fein
David I. Fein
Piper Marbury Rudnick & Wolfe
203 North LaSalle Street
Suite 1800
Chicago, Illinois 60601
(312) 368-3462

Dated: April 10, 2000



ILLINOIS COMMERCE COMMISSION

April 24, 1998

Re: 98-0241

Dear Sir/Madam:

Enclosed is a certified copy of the Order entered by this Commission.

Sincerely,

A handwritten signature in cursive script that reads "Donna M. Caton".

Donna M. Caton
Chief Clerk

ENC.

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

PrimeCo Personal
Communications, L.P., a Delaware
limited partnership

98-0241

Petition pursuant to Section 5-109
of the Illinois Public Utilities Act
for confidential treatment of the
annual report for 1997, and all
subsequent reports through and
including the report for the year
2001, to be filed.

ORDER

By the Commission:

On March 27, 1998, PrimeCo Personal Communications, L.P. ("PrimeCo" or "Petitioner") filed a verified petition with the Illinois Commerce Commission ("Commission") seeking confidential treatment for Petitioner's 1997 Annual Report and subsequent Reports to be filed by Petitioner up to and including the Annual Report for the year 2001. In support of its petition, PrimeCo submitted the affidavit of John C. Bradley, Finance Director of the Chicago MTA for PrimeCo.

The petition states that PrimeCo is a Delaware limited partnership engaged in the wireless telecommunications business. The Commission, pursuant to Section 13-401 of the Public Utilities Act ("Act"), 220 ILCS 5/1-101 et seq., issued Petitioner a Certificate of Service Authority ("Certificate") authorizing Petitioner to provide personal communications services in its licensed territory in Illinois. This Certificate was granted in Docket No. 96-0021 on July 17, 1996. The petition further states that PrimeCo is one of several wireless telecommunications carriers currently authorized to provide wireless telecommunications services in Illinois. Among Petitioner's principal competitors are Ameritech Mobile, Cellular One, AT&T Wireless, Sprint PCS, 360° Communications, Inc., US Cellular, and Nextel. Petitioner states that its Annual Report contains trade secrets as well as highly sensitive confidential and proprietary information. Such information includes, but is not limited to, Petitioner's costs and investments in developing its infrastructure, records of service, earnings and expenses, sources of income, amounts due and received from each source, operating expenses, and assets and liabilities. Petitioner represents that disclosure of this information would be extremely detrimental to PrimeCo, particularly in light of the highly competitive wireless market and the developing environment in which PrimeCo is operating.

The petition further states that the competitive nature of the wireless market is unlikely to change during the next few years. Nor is the proprietary nature of the information that Petitioner includes in its Annual Reports likely to change. Given these circumstances, PrimeCo foresees a continuing need for confidential treatment of its Annual Reports. Therefore, Petitioner seeks proprietary treatment of its Annual Reports for the years up to and including the year 2001.

Since all of the facts necessary for the Commission to grant the relief requested are contained in the petition, no hearing is needed and it is waived. The Commission, having considered the entire record herein and being fully advised in the premises, is of the opinion and finds that:

- (1) Petitioner is a "telecommunications carrier" within the meaning of Section 13-202 of the Act which provides "competitive telecommunications service" as defined in Section 13-209 of the Act;
- (2) the Commission has jurisdiction over Petitioner and the subject matter of this petition;
- (3) the recitals of fact set forth in the prefatory portion of this order are supported by the record and are hereby adopted as findings of fact;
- (4) Section 5-109 of the Act states, in relevant part:

All reports made to the Commission by any public utility and the contents thereof shall be open to public inspection, unless otherwise ordered by the Commission;

- (5) Section 7(g) of the Illinois Freedom of Information Act, 5 ILCS 140/7(g), exempts from disclosure:

Trade secrets and commercial or financial information obtained from a person or business where such trade secrets or information are proprietary, privileged or confidential, or where disclosure of such trade secrets or information may cause competitive harm;

- (6) as stated in the verified petition, Petitioner's 1997 Annual Report and its future Annual Reports fall within the exemption stated in Finding (5);
- (7) Petitioner's 1997 Annual Report should be exempt from public disclosure under Section 7(g) of the Illinois Freedom of Information Act and Section 5-109 of the Public Utilities Act for a period of five (5) years from the date of this order; Petitioner should be authorized to file its Annual Reports for the years 1998 through 2001 on a proprietary basis and such future Reports should be exempt from public disclosure under Section 7(g) of

the Illinois Freedom of Information Act and Section 5-109 of the Public Utilities Act for a period of five (5) years from the date of filing of each Report; each such future Annual Report filed by Petitioner should be accompanied by a copy of the order in this docket.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the 1997 Annual Report filed by PrimeCo Personal Communications, L.P. is afforded proprietary treatment and is exempt from public disclosure and will be accessible only by the Commission and the Commission Staff for a period of five (5) years from the date of this order.

IT IS FURTHER ORDERED that the Annual Reports for the years 1998 through 2001 filed by PrimeCo Personal Communications, L.P. shall be afforded proprietary treatment and shall be exempt from public disclosure and accessible only by the Commission and the Commission Staff for a period of five (5) years from the date of filing of each such Report.

IT IS FURTHER ORDERED that the Annual Reports for the years 1998 through 2001 filed by Petitioner shall be accompanied by a copy of the order in this docket.

IT IS FURTHER ORDERED that the Commission retains jurisdiction over Petitioner and the subject matter hereof for the purpose of issuing such further order or orders as it may deem necessary.

IT IS FURTHER ORDERED that subject to the provisions of Section 10-113 of the Public Utilities Act and 83 Ill. Adm. Code 200.880, this Order is final; it is not subject to the Administrative Review Law.

By order of the Commission this 22nd day of April, 1998.

(SIGNED) DAN MILLER

Chairman

(SEAL)

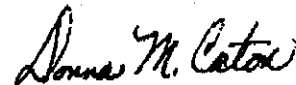
STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
CERTIFICATE

Re: 98-0241

I, DONNA M. CATON, do hereby certify that I am Chief Clerk of the Illinois Commerce Commission of the State of Illinois and keeper of the records and seal of said Commission with respect to all matters except those governed by Chapters 18a and 18c of The Illinois Vehicle Code.

I further certify that the above and foregoing is a true, correct and complete copy of the Order made and entered of record by said Commission on April 22, 1998.

Given under my hand and seal of said Illinois Commerce Commission at Springfield, Illinois, on April 24, 1998.



Chief Clerk

STATE OF ILLINOIS)
)
COUNTY OF COOK)

VERIFICATION

David I. Fein, being first duly sworn, deposes and states that he is an attorney for PrimeCo Personal Communications, L.P., that he has read the foregoing Motion and has knowledge of the contents thereof, and that the information therein contained are true to the best of his knowledge, information and belief.

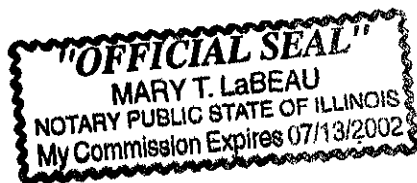
David I. Fein

David I. Fein

SUBSCRIBED AND SWORN to
before me this 10th day of April, 2000

Mary T. LaBeau
Notary Public

My Commission Expires: 7-13-02



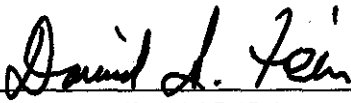
**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

PrimeCo Personal Communications, L.P.)	
)	
Petition for Emergency and Expedited Relief)	Docket No. 00-0274
to Protect from Disclosure in its Entirety for)	
a Period of Not Less Than Five Years)	
Petitioner's 1998 Annual Report)	

NOTICE OF FILING

Please take note that on April 10, 2000 we mailed an original and three (3) copies of a Motion to Withdraw the Petition for Emergency and Expedited Relief to Protect From Disclosure PrimeCo's 1998 Annual Report for a Period Not Less Than Five Years to the Chief Clerk of the Illinois Commerce Commission, Donna Caton, 527 E. Capitol Avenue, P.O. Box 19280, Springfield, IL 62701.

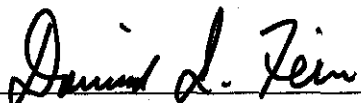
Dated: April 10, 2000



David I. Fein

CERTIFICATE OF SERVICE

I, David I. Fein, certify that copies of the foregoing Motion to Withdraw the Petition for Emergency and Expedited Relief to Protect From Disclosure PrimeCo's 1998 Annual Report for a Period Not Less Than Five Years were served upon the Chief Clerk via overnight delivery from 203 N. LaSalle Street, Chicago, Illinois 60601 on April 10, 2000.



David I. Fein